

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (FM) ECF Case
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This document relates to:

Ashton, et al. v. al Qaeda Islamic Army, et al., 02-CV-6977 (GBD)(FM)

James P. Kreindler, Esq., hereby states under penalty of perjury that:

1. I am an attorney representing the *Ashton* plaintiffs in the above-captioned litigation, and I submit this declaration in support of the Motion to Vacate final judgment against the Islamic Republic of Iran (“Iran”) on behalf of Patrick J. Mullan.

2. The source of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter, my firm’s representation of the *Ashton* plaintiffs in connection with the September 11th litigation against the terror defendants, other court records relating to the multi-district litigation to which the *Ashton* plaintiffs are parties, conversations had with family members to the *Ashton* plaintiffs, file records and conversations with counsel to other September 11th plaintiffs. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

3. This declaration and the attached proposed Order and modified Exhibit B are submitted in light of notice we received this week that an individual plaintiff included in our July 31, 2019 motion for final damages judgment (ECF 4717), which was granted on August 15, 2019 (ECF 4880), has already received another final damages judgment against Iran.

4. As a matter of course, prior to filing a motion for final damages judgment, my office coordinates with several of the firms that, collectively, represent the great majority of plaintiffs in the September 11th terrorism litigation, providing the identities of those individuals for whom we

intend to move for a final damages judgment. Those firms then cross-reference the names of our claimants with their clients to ensure there is no overlap and no claimant will receive multiple judgments.

5. We also attempt to contact those clients, such as Patrick J. Mullan, from whom we had not had regular communication for a period of time, to ensure the accuracy of the information in our files. We were not able to reach Mr. Mullan prior to July 31, 2019.

6. Prior to filing the motion for final damages judgment for, among others, Patrick J. Mullan, we proceeded as described in the paragraphs above. Those firms with which we communicated advised us where, if at all, there were overlapping individuals and prior to filing the motion for final damages judgment we reached agreements as to who would proceed on behalf of each claimant.

7. Accordingly, Patrick J. Mullan, as surviving sibling of 9/11 victim Michael Mullan, was included in the Exhibit B to the *Ashton XII* Plaintiffs' Motion for Final Damages Judgment Against Iran. ECF 4717-2 at 32, line 25.

8. We were not advised prior to filing the July 31, 2019 motion that Patrick J. Mullan was also represented by any other law firm. This week, however, on August 12, 2019, we learned that another firm had, in fact, already obtained a final damages judgment against Iran for Patrick J. Mullan. We then took steps to confirm that the two claimants were the same individual. We have now concluded that they are.

9. Accordingly, because the same Patrick J. Mullan previously received a final damages award against Iran, counsel for the *Ashton* plaintiffs now respectfully request that this Court grant the proposed Order attached hereto, adopting the attached modified Exhibit B, which removes Patrick J. Mullan from the list of *Ashton XII* Plaintiffs, and vacate the final judgment issued to

Patrick J. Mullan only, and otherwise leave the Order granted on August 15, 2019 (ECF 4880) in force.

Dated: August 17, 2019
New York, NY

/s/ James P. Kreindler
James P. Kreindler